

REMARKS

This is in response to the Office Action dated December 13, 2006. The claims in the case are claims 14-18 and 22-26. Applicants believe that the Application is in condition for allowance.

The Office Action rejects claims 14-18 and 22 under 35 U.S.C. § 102(b) as allegedly anticipated by Datcoop as evidenced by U.S. Patent No. 5,341,862 to Hashimoto ("Hashimoto") and Hawley's article on Carbon Black. Applicants respectfully disagree.

First, Claim 14 is directed to compositions consisting of at least 15% by weight of leather fibers or a mixture of two or more organic fibrous materials; (b) at least 15% by weight of a thermoplastic binder and (c) up to 20% by weight of one or more ingredients selected from the group consisting of inorganic salts, cationic polymers, preservatives, dyes, natural fats, synthetic fats, paraffins, natural oils, synthetic oils, and silicone oils. The Office Action suggests that Example 10 of Datcoop reads on the claimed invention. However, the claimed invention consisting of the enumerated components and does not include rubber (which forms 40% by mass of the Datcoop composition in Example 10). Moreover, while Hashimoto teaches that conventional tires contain carbon black (which the Examiner asserts is a dye, according to Hawley), it does not follow that the Datcoop disclosure reads on a composition consisting of the enumerated ingredients. The Applicants' claimed invention does not contain rubber (let alone up to 40% by mass of ground rubber). Applicants earnestly submit that the claims are not anticipated by Datcoop as evidenced by Hashimoto and Hawley.

The Office Action rejects claims 14-18 and 22-23 under 35 § U.S.C. 102(b) as anticipated by Czerwinski as evidenced by Hawley's article on Polyvinyl Acetate. Applicants respectfully traverse. The Office Action suggests that polyvinyl acetate is a thermoplastic high polymer (citing Hawley) and that a liquid solution of polyvinylacetate rendered thixotropic by leather fibers is the same as Applicant's claimed invention. Applicants respectfully disagree. First, it is clear that Czerwinski

requires liquid compositions as the film formers (see Col. 5, ll. 1-10) and that the use of polyvinyl acetate would require this to be a liquid solution or suspension in a carrier or diluent (Col. 5, ll. 20-35). As is evidenced by Hawley, polyvinyl acetate is a colorless, transparent *solid*. This is essentially conceded by the Examiner on page 3, paragraph 9 of the office action. However, the Examiner asserts that the liquid carrier of Czerwinski functions as a transporter or preservative of the film former, and thus the composition reads on the claimed invention. This is incorrect. The liquid carrier forms an essential part of the Czerwinski composition. The Czerwinski compositions require liquids that are essentially thickened with the leather fibers, the portion that solubilizes or suspends the polyvinylacetate does not simply deliver polyvinylacetate to the leather fibers and then evaporate or get removed. The liquid portion is required.

The claimed invention consists of the enumerated components and thereby exclude the component that is essential to Czerwinski. The Czerwinski compositions simply do not anticipate the claimed invention. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claim 19 under 35 U.S.C. § 103(a) as obvious over Datcoop in view of U.S. Patent No. 4,882,373 to Moran ("Moran") and over Czerwinski in view of Moran.

As discussed above, the application of Datcoop is inappropriate as the claimed articles consist of the enumerated materials, which do not include rubber (which is a requirement of Datcoop). Thus, even in the hypothetical combination with Moran, the resulting combination suggested by the Examiner does not read on the claimed invention. Withdrawal of the rejection is respectfully requested.

Further, as discussed above, Czerwinski requires the inclusion of a diluent to prepare a liquid form of polyvinylacetate as an essential part of the compositions. Hence, the addition of a styrene-butadiene block copolymer to the compositions of Czerwinski do nothing to remove the fundamental deficiency of the Czerwinski reference and do not achieve the claimed invention. Withdrawal of the rejection is respectfully requested.

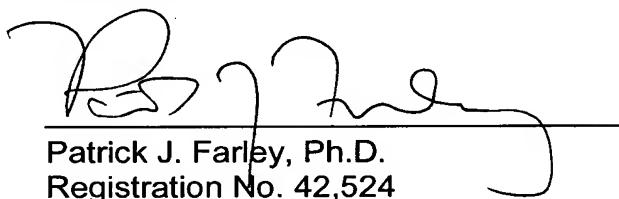
The Office Action rejects claim 24 under 35 U.S.C. § 103(a) as obvious over Czerwinski in view of Kuchler. Applicants respectfully disagree. The Office Action asserts that the combination of Czerwinski and Kuchler is valid as the final product of Czerwinski is a "gel-like solid mass, not a liquid." The Office Action suggests that it would then be obvious to use the gel-like masses of Czerwinski in the Kuchler process to make the solid materials taught by Kuchler. However, Czerwinski does not teach or suggest that such a process should be employed with the compositions. The final products of Czerwinski, as correctly stated by the Examiner, are *gel-like* solid masses or bodies having sufficient cohesive force to withstand distortion by *gravitational force* when suspended freely in an inverted receptacle or on a coated object. This does not refer to a solid that can withstand sheer forces or forces applied to the mass as conceived by Kuchler's sheets (which are sufficiently sturdy to be mounted to steel sheets by laminating the sheets together). Thus, the physical properties of the Czerwinski and Kuchler inventions are fundamentally different and cannot be combined without vitiating the purpose of the Czerwinski invention. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 25-26 under 35 U.S.C. § 103(a) as obvious over Czerwinski in view of Toyota. The Office Action has rejected claim 25 and 26 under 35 U.S.C. § 103(a) as allegedly obvious over the hypothetical combination of Czerwinski in view of Toyota. The Office Action asserts that it would be obvious to combine Toyota's article forming method with the teachings of Czerwinski. To reiterate, it is an important feature that the compositions of Czerwinski be *liquid* compositions. It is unclear how the method of Toyota to bond a composition to a backing material via a hotmelt adhesive is even applicable to the liquid compositions of Czerwinski. The Office Action suggests that the Czerwinski teaches that the "final product can be used to make leather products." However, Applicants invite the Examiner's attention to Czerwinski at Col. 3, ll, 44-51 that the potential uses of the compositions are for putty, sealants, fillers (such as wood filler or putty), thickened

and/or gelled flammable liquid fuel, asphaltic plastigels, greases, asphalt¹ or asphalt products, adhesives, mastics, and *like materials*." (emphasis added). The specification makes clear that the "products" made by Czerwinski are liquids, gels, putties and "like materials" (*i.e.*, not hard solids amenable to use of hotmelt adhesives). Applicants respectfully submit that there would be no reasonable expectation of success in such a combination and certainly no motivation for anyone of skill in the art to make such a hypothetical combination. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, Applicants earnestly submit that the claims are in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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Date: March 13, 2007

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¹ According to Wikipedia: Asphalt is a sticky, black and highly viscous liquid or semi-solid that is present in most crude petroleum and in some natural deposits. Asphalt is composed almost entirely of bitumen. There is some disagreement amongst chemists regarding the structure of asphalt, but it is most commonly modeled as a colloid, with *asphaltenes* as the dispersed phase and *maltenes* as the continuous phase.